

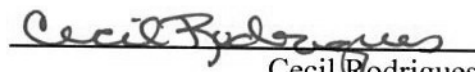
2-14D. Emergency TROs (1200 TN 350 2-14D)

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Sections 309, 311, 402(h), 504 and 506, to refer requests for emergency Temporary Restraining Orders to the Department of Justice and to the appropriate United States Attorney.
2. **TO WHOM DELEGATED.** Deputy Regional Administrator.
3. **LIMITATIONS.**
 - a. The delegatee must obtain the advance concurrence of the regional counsel, on the legal sufficiency of the referral before exercising this authority. The regional counsel may waive concurrence in writing.
 - b. The delegatee must notify the AA for OECA and the AA for the Office of Water before exercising this authority. The AA for OECA may waive the requirement for notification in writing. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the AA for the Office of Land and Emergency Management must also be notified.
 - c. The AA for OECA must notify the AA for OW and the appropriate RA before exercising this authority. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the AA for OLEM must also be notified.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to on-scene coordinators, and no further. This authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
- b. For referral of other civil actions under CWA, see the Chapter 2 delegation entitled "Civil Judicial Enforcement and Administrative Penalty Collections Actions."

Date: 9/27/2017


Cecil Rodrigues
Acting Regional Administrator